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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**SECOND APPELLATE DISTRICT**

**DIVISION THREE**

In re Ani.M. et al., Persons  
Coming Under the Juvenile  
Court Law.

B324563

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Los Angeles County  
Super. Ct. Nos.  
22CCJP01794A–C

Plaintiff and Respondent,

v.

T.A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Marguerite D. Downing, Judge. Affirmed.

Megan Turkat Schirn, under appointment by the Court of Appeal, for Defendant and Appellant.

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, Avedis Koutoujian, Deputy County Counsel, for Plaintiff and Respondent.

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## **INTRODUCTION**

T.A. (mother) appeals the juvenile court's jurisdiction findings and order, wherein the court assumed jurisdiction over mother's three children, Ani.M. (born 2008), A.M. (born 2014), and Aa.H. (born 2018), based on: mother's medical neglect of A.M. and abuse of marijuana; W.M.'s (father of Ani.M. and A.M.) substance abuse, mental health issues, and failure to protect from mother's medical neglect; and L.H.'s (father of Aa.H.) substance abuse and sexual abuse of his young stepchildren from a previous relationship.<sup>1</sup> Mother contends that the court lacked substantial evidence to support the medical neglect and substance abuse allegations against her. Mother also contends that the court lacked substantial evidence to sustain the petition against the fathers. We affirm.

## **FACTS AND PROCEDURAL BACKGROUND**

### **1. Family's Child Welfare History**

#### **1.1. Mother**

In 2018, the Los Angeles County Department of Children and Family Services (the Department) investigated a referral that mother tested positive for marijuana during a prenatal exam. The Department interviewed mother, who stated that she had unintentionally eaten a piece of cake containing marijuana while she was pregnant. She told her doctor and was monitored for drug use for the remainder of her pregnancy. Mother denied any ongoing substance use and submitted to drug testing, in which she tested negative for all substances. However, because

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<sup>1</sup> The fathers are not parties to this appeal.

the Department had also received a referral in 2017 that mother smoked marijuana in front of the children every day and the children smelled of marijuana, the substance abuse allegations were deemed inconclusive rather than unfounded.

### **1.2. Father L.H.**

In 2003, a juvenile court sustained a petition brought under Welfare and Institutions Code<sup>2</sup> section 300, subdivisions (b), (d), (j), which identified L.H. as a sexual abuse perpetrator and included allegations that L.H. orally copulated his stepson and masturbated in the child's presence and that he had fondled his stepdaughter's breasts and stuck his hand up the child's skirt.

## **2. Referrals Leading to the Current Action and Department Involvement**

In April 2022, the Department received a referral concerning an incident relating to A.M., who was brought into the emergency department via an ambulance following an unwitnessed fall that morning. Mother and maternal grandmother came to the emergency room and stated that A.M. had fallen off the bed and that they noticed that he was lethargic. The child was unable to speak or verbalize what he needed. It was determined that A.M. had suffered a stroke and that he had a blood clot in his brain that required emergency surgery. A.M.'s doctor asked the reporting party to make a child abuse report to the Department due to "neglect and incompetence by the mother and grandmother, which caused a delay in discovering that the

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<sup>2</sup> All undesignated statutory references are to the Welfare and Institutions Code.

child, had a stroke and blood clot in the brain.” The child was airlifted to Cedars-Sinai for emergency brain surgery.

The referral was “downgraded to evaluate out.” The staff at Cedars-Sinai “obtained history regarding the circumstances leading to mother calling 911.” A.M. “had not been diagnosed with a serious [*sic*] at that point and it cannot be reasonably stated that mother and grandmother were aware of [A.M.] having a serious condition requiring treatment.” Mother responded appropriately after she became aware of the severity of A.M.’s condition.

Several days later, the Department received another referral concerning A.M. The reporting party stated that A.M. has a congenital heart condition and was prescribed aspirin to take every day. Three days prior, A.M. suffered a stroke causing weakness on his left side and speech impairment. The reporting party stated that mother had admitted that she was not giving him aspirin consistently as prescribed but had decided to wean A.M. off aspirin because she thought he was getting better and because she was concerned about A.M. becoming addicted to aspirin and wanted him to have a normal life. Mother admitted she had not consulted A.M.’s doctors before doing so. The reporting party was concerned that A.M. suffered the stroke because mother failed to give him aspirin as prescribed. This put A.M. at a higher risk of suffering a stroke, although he could have suffered a stroke even while on aspirin. The reporting party stated that mother was remorseful about not giving A.M. his prescribed aspirin.

A social worker from Children’s Hospital Los Angeles told the Department that the child has a long history of congenital heart disease. The stroke could have taken place even if A.M. had

been taking aspirin as prescribed. The social worker stated that mother is a single mother, but Aa.H.'s father, L.H., is a good support system to her. She did not believe mother was negligent. Mother was very remorseful. Mother's family has had issues with drugs and mother did not want A.M. to be addicted to drugs and therefore attempted to "wean[] him off." The hospital linked mother with a therapist to educate her on A.M.'s medications. The social worker did not have any child safety concerns.

The Department subsequently performed a home assessment and interviewed mother, Ani.M., and L.H.<sup>3</sup> Mother reported that she was at work when the incident took place. Mother stated that Ani.M. called her, but she could not pick her phone up at work. Ani.M. then called maternal grandmother, who also started calling mother. Mother eventually picked up and maternal grandmother told her that A.M. was complaining that his leg hurt and that he could not walk. When mother came home and asked A.M. what was wrong, he started whining and mother could not understand him. Mother put him in a bath with Epsom salt and massaged his leg, but A.M. kept moving around and crying. Ani.M. helped mother to move A.M. to the couch, where A.M.'s eyes started to roll back. Mother called the paramedics. She then noticed a bump on A.M.'s head. Ani.M. stated that A.M. had fallen earlier. A CAT scan determined that A.M. had a blood clot, and he was airlifted to Cedars-Sinai.

Prior to this incident, A.M. did not have any issues and was "normal." After the incident, he had a droopy eye and his left side

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<sup>3</sup> The social worker attempted to interview Aa.H., who was then four years old, but it was difficult to get her attention and the child was unable to answer any of the questions.

was weak. Mother reported that A.M. was diagnosed with pulmonary atresia at birth and is prone to strokes. He was prescribed aspirin once a day and Enalapril twice a day. Mother stated that she gave him his medications but occasionally skipped the aspirin. She felt that A.M. was doing okay and hated that he had to be dependent on medications every day for the rest of his life. Mother now understood how serious it was and that she had to make sure he always had his medication.

Mother reported that she does not have any contact with Ani.M. and A.M.'s father, W.M., and the children do not see him either. Mother and W.M. were together for 13 years. When A.M. was born with medical issues, W.M. said, "I don't have sick kids." Mother stated that, Aa.H.'s father, L.H., has been " '[e]xcellent, really good to my kids' " and is a huge support system to her. L.H. lost his job because he picked up A.M. from school when A.M. was feeling unwell. A.M. was in the car while L.H. was working and picked up a call from L.H.'s supervisor while they were driving, which resulted in L.H. being fired. Mother and L.H. had been in a relationship for five years and had known one another for 13 years. She stated that she and L.H. are the children's primary caregivers.

Mother denied that any of her children had medical conditions or developmental delays, other than A.M. She also denied that the children were exposed to sexual abuse, neglect, or domestic violence. She denied any hitting, spanking, or using objects to discipline the children. Mother denied using any drugs, including marijuana, and agreed to on-demand drug testing.

The Department also interviewed Ani.M. She denied that she experienced any physical abuse or sexual abuse and denied the use of any drugs or alcohol in the home. She stated that she

feels safe at home and school. Ani.M. referred to L.H. as her stepdad.

On the day of the incident, Ani.M. reported that A.M. was sleeping in her room when she heard him crying and shaking. She thought he was playing at first and told him to get up. A.M. fell and could not get up. Ani.M. helped him to the couch and called mother, who did not pick up because she was at work. Ani.M. called maternal grandmother and then L.H. When mother came home, she called the paramedics. Before the stroke, A.M. did not have any issues and was able to ride bikes and play with her all the time. Ani.M. stated that mother gives A.M. his medication, but that sometimes Ani.M. helped. She sometimes forgot to give A.M. his aspirin.

L.H. was at work at the time of the incident. He reported that mother is a great mother and does everything for the children. He helped when he could and was happy to do so because he loved the children. L.H. also has three adult children. L.H. had known mother for many years and reported that they had been together for six years. He stated that he and mother are the primary caregivers to the children. Either he or mother take the children to and from school. He denied that any of the children had been sexually abused, neglected, or exposed to domestic violence. He denied any history with the Department and any criminal history. L.H. denied using drugs, including marijuana, and agreed to on-demand drug testing.

The Department also interviewed A.M. at Children's Hospital Los Angeles. He stated that his mother or L.H., who he called "Dad," take him to and from school. A.M. stated that he likes his "Dad" and that he is very good to A.M. L.H. did not discipline him but mother would "[w]hoop" him by hitting him

on the leg with an open hand, which did not hurt. He denied any sexual abuse or drug or alcohol use in the home. He also denied fighting in the home and stated that he feels safe at home and school.

With respect to the incident, A.M. stated that he fell and hit his head, but did not know how. Ani.M. helped him see if he could walk and, when he could not, called mother and maternal grandmother. He told maternal grandmother, “ ‘Granny my leg hurts.’ ” When mother came home, she got mad at him because she thought he was faking it. When she saw he was not faking, she called an ambulance.

A.M.’s doctor informed the Department that mother had been educated on the importance of medications for A.M. when the child was around two years old. He stated that mother has a learning or understanding disability and that they did their best to make sure she understood the importance of the medications. The doctor stated that the aspirin is designed to prevent blood clots. He could not confirm whether A.M. had a blood clot because mother did not give him his medication. He hoped A.M. would make at least an 80 to 85 percent recovery. The doctor did not have concerns regarding mother and thought she was doing her best. The Department also spoke with another hospital social worker, who stated that mother was “appropriate” and at the hospital all the time. She was “ ‘very remorseful’ ” about the incident. The social worker did not have concerns about mother.

Maternal grandmother stated that mother is a good mother, does her best, and works hard to take good care of the children. She reported concerns with mother and L.H. using marijuana. She observed them using marijuana but would not say more about it and did not know whether they used marijuana

in front of the children. Maternal grandmother was not comfortable with A.M. being alone with L.H. because she worried that L.H. blamed A.M. for losing his job. Maternal grandmother reported that she and mother had both been educated on the importance of giving A.M. his medications when he was discharged from the hospital at approximately two months old. She was not concerned about mother going forward in this respect because mother now understands the importance of medications.

Mother and L.H. both tested positive for marijuana after on-demand testing.

### **3. Section 300 Petition and Non-Detention Report**

In May 2022, the Department filed a section 300 petition, alleging, under section 300, subdivisions (b) and (j), that: (1) mother medically neglected A.M. by failing to provide him with aspirin to control his strokes, thus placing A.M. and his siblings at risk of harm, damage, danger and medical neglect (count b-1); (2) mother has a history of substance abuse and is a current abuser of marijuana, which renders her incapable of providing the children with regular care and supervision, and L.H. knew or reasonably should have known of the substance abuse but failed to protect the children (count b-2); (3) mother's companion, L.H., has a history of substance abuse and is a current abuser of marijuana which renders him incapable of providing the children with regular care and supervision, and mother knew or reasonably should have known of the substance abuse but failed to protect the children (count b-3). In connection with the petition, the Department also filed a non-detention report.

The initial hearing took place in May 2022. Mother attended, but L.H. and W.M. did not. The court found W.M. to be the alleged father of Ani.M. and the biological father of A.M. The court found L.H. to be the presumed father of Aa.H. The court further found that the petition alleged a prima facie case under section 300. The court released the children to their mother's care, ordered random drug testing for mother and L.H., and issued a family preservation referral. The court subsequently ordered the Department to perform a due diligence search for the fathers.

In a report to the court, the Department stated that it was unable to locate fathers W.M. and L.H. Mother informed a social worker that she did not have contact information for W.M. and declined to provide contact information for his family. Mother stated that L.H. would “‘never go to court.’” The Department made several attempts to reach L.H. via phone calls and texts and inform him of an upcoming arraignment hearing, but L.H. did not respond.

#### **4. First Amended Section 300 Petition and Jurisdiction Report**

In July 2022, the Department filed a first amended section 300 petition. The Department amended counts b-1 and j-1 to state, in part, that father W.M. knew or reasonably should have known of the child's medical condition and failed to protect the child, and that the failure to protect the child from mother's medical neglect placed A.M. and his siblings at risk of serious physical harm. The Department also added three new counts under section 300, subdivision (b), alleging that: (1) Ani.M. and A.M.'s father, W.M., has a history of substance abuse, including methamphetamine, cocaine, and marijuana, has been convicted of

possession of narcotics, and is a current abuser of illicit drugs, which renders him incapable of providing regular care and endangers the children and places them at risk of harm (count b-4); (2) Ani.M. and A.M.'s father, W.M., has mental and emotional problems, including a diagnosis of post-traumatic stress disorder, and failed to take his psychotropic medications as prescribed, which renders him unable to provide regular care and supervision of the children and places them at risk of harm (count b-5); and (3) L.H., mother's male companion and father of Aa.H., has a history of sexually abusing his ex-partner's minor children, and such sexual abuse endangers the children and places them at risk of harm (count b-6).

The Department also filed a jurisdiction/disposition report. The Department successfully located W.M., but L.H.'s whereabouts remained unknown.

The Department interviewed mother and the children regarding the allegations of the first amended petition. When the social worker arrived at the family home to conduct the interview, Ani.M. opened the door and a strong odor of marijuana came from the home. With respect to the medical neglect allegation, mother stated that it was a " 'lie.' " Mother admitted that she had not been giving him aspirin every day and that she was only giving it to him every other day. She stated that the stroke " 'was probably due to his heart defect and it does not have anything to do with aspirin.' " Mother stated that she had stopped giving aspirin as prescribed because " '[a] lot of time he did not want to take it and [she] felt he did not need it' " because he " 'was playing and doing okay.' " Mother gave A.M. his blood pressure medication every day. Mother stated that she stopped giving the child aspirin "a week before the 'Spring/Easter' break."

The social worker asked mother to recount what happened the day of A.M.'s stroke. Mother stated that she went to work very early that morning, at 5:00 or 6:00 a.m. She left a note for the children letting them know what to do and when to expect maternal grandmother. At around noon, Ani.M. called and said that A.M. was crying and complaining about his leg. Mother told Ani.M. to massage his leg. Maternal grandmother then called saying the same. Mother returned home from work. She told A.M. to get up and he started crying and saying he could not. Mother thought he was "making things up because when he does not want to do something, he would cry and act." Mother told him to "Stop playing, now I am getting scared!" Mother got A.M. out of bed and noticed he had a bump on his head. She thought that was the reason he could not walk and did not expect a stroke.

Mother stated that the allegations concerning her use of marijuana were "stupid." She stated that she had been smoking marijuana for over 20 years and that it has not hindered her in anything she wanted to do. She reported smoking once a day and denied smoking in the children's presence or in the home. When asked where she keeps the marijuana, mother "paused as if she was thinking what to say" before replying that she kept it in the closet in a concealed container. Mother stated that she smokes at night when done with chores, work, and when the children are in bed. She denied having a history of other illicit drug or alcohol abuse.

With respect to the allegations of L.H.'s marijuana use, mother admitted that he smokes daily. She denied that L.H. smoked in the children's presence or in the home and stated that L.H. does not live with the family. She denied other illicit drug use by L.H. Mother also admitted that W.M. has a history of

marijuana use. She stated that they have not been in a relationship for more than five years and that she does not know whether he uses other illicit drugs. Mother had no information about W.M.'s mental health and only knew that he had been abused as a minor, removed from his parents, and emancipated from the system. Finally, with respect to the allegations of L.H.'s sexual abuse of his former stepchildren, mother was unaware of L.H. having a prior child welfare history for child sexual abuse.

A social worker again asked Ani.M. to recount what happened on the day of A.M.'s stroke. The child stated that she, A.M., and Aa.H. were in the home at the time. A.M. said he couldn't walk and kept crying. Ani.M. could not understand what he was saying. Then his eyes closed. When mother came home, she gave him a bath. She opened A.M.'s eyes and " 'said his eyes were drifted.' " Mother called maternal grandmother and then an ambulance. Ani.M. stated that A.M. takes aspirin and another medication and has been taking them the past several years but did not know whether he took them every day. Although the social worker smelled marijuana coming from the family's apartment, Ani.M. denied that her mother used marijuana and that anyone smoked in the home. Ani.M. denied that L.H. used marijuana, alcohol, or other illegal drugs. When asked whether she had any contact with W.M., Ani.M. said, " 'Sometimes.' " The month prior, she was at maternal grandmother's home and he came over because he knew she was graduating eighth grade. He gave her some money and congratulated her. Ani.M. had never observed W.M. using marijuana and did not know whether he used illicit drugs. She also had no information about her father's mental health. Ani.M. denied any sexual abuse by L.H.

A.M. told the social worker that he was taking his medications before he was hospitalized. He stated that, on the day he was hospitalized, his leg and head were hurting and he could not walk. Mother was at work and when she came home, he was taken to the hospital by an ambulance. A.M. did not know what marijuana or illicit drugs were and did not witness mother, L.H., or W.M. smoking anything in his or his siblings' presence. A.M. also had no information regarding W.M.'s mental health. He denied any abuse by L.H. towards him or his siblings.

The social worker attempted to interview Aa.H. but was unable to obtain meaningful statements due to the child's young age. While the social worker was at the family's home, Aa.H. left the apartment several times without supervision. Although mother stated that the building was safe and that the child plays with her peers, the family lived in a 110-unit, three story building.

W.M. stated that he was informed of A.M.'s hospitalization and that he talks to his children on the phone and sees them sometimes. He expressed no concern with respect to the child's wellbeing and the care that mother was providing. With respect to mother's use of marijuana, W.M. stated that he did not care if she used marijuana as long as she did not use " 'hard core drugs,' " which his own mother had used. He disagreed with the allegation that mother did not provide good care of the children. W.M. stated that he used marijuana but denied using other illicit drugs and denied smoking in the children's presence. He did not provide details concerning his usage. W.M. stated that he had mental health diagnoses but refused to disclose any details. He stated that he used to take psychotropic medications and denied consulting his doctor before stopping. W.M. stated that he had

post-traumatic stress disorder from his difficult childhood and is homeless. W.M. did not know L.H. and could not provide any relevant statements with respect to his marijuana use or past sexual abuse.

L.H. did not make himself available for an interview and his whereabouts were unknown. A social worker called and texted L.H. multiple times. Mother reported that she texted L.H. and provided the social worker's phone number and asked him to get in contact. The Department also mailed certified letters requesting that L.H. contact the Department to addresses identified in a due diligence report for L.H.

Maternal grandmother stated that she had some concerns for the family and that she " 'just want[ed] [mother] to be able to give [A.M.] his medication that she is supposed to give.' " When asked if she was reporting mother's failure to give A.M. his medication, maternal grandmother stated that mother is giving A.M. his medication and taking care of him. However, she stated that mother feels overwhelmed and has difficulty following through. Maternal grandmother would not answer when asked if mother has substance abuse issues but stated that the Department " 'should test her and if you are testing her that is sufficient enough for you to know.' " However, maternal grandmother subsequently stated that mother " 'becomes forgetful' " when she smokes marijuana.

According to maternal grandmother, L.H. tries to help mother with the children more than W.M. but, as far as she knew, L.H. did not live with them. Maternal grandmother hoped that L.H. did not live with them because A.M. " 'has some fear of him.' "

The social worker also spoke with a family preservation therapist who had met with the family once a week for 50 minutes for approximately a month. The therapist stated that she did not have any concerns for the family at the moment.

After testing positive for marijuana in April 2022, mother failed to appear for three drug tests. When a social worker reached out concerning her failure to appear for testing, mother stated that she was confused about the testing instructions. Mother tested again in June 2022 and tested positive for marijuana.

In view of the above, the Department assessed that there was sufficient evidence to substantiate the counts in the first amended petition.

In a last-minute information for the court, the Department reported that there was a pending child abuse investigation as to L.H. with respect to his criminal history and prior history with the Department concerning sexual abuse allegations. The Department also assessed W.M.'s unaddressed mental health and substance abuse issues and determined to remove the children from the fathers' custody. In July 2022, the juvenile court detained the children from L.H. and W.M.

In August 2022, the Department reported to the court that mother failed to drug test on three subsequent occasions. Mother had informed a social worker that she had car troubles on one of the days but made no excuses as to the others. Additionally, a nurse had reviewed A.M.'s medical records and determined that he was overdue for a physical and had no dental record. The nurse recommended that mother follow up with a primary physician regarding the physical and that A.M. be taken for an initial dental exam. The Department further reported that its

efforts to locate L.H. were not successful, although the address at which L.H. was receiving mail was confirmed by the postmaster and was the same address at which mother and the children lived.

The Department recommended that the children be removed from the physical custody of fathers W.M. and L.H. and that the children remain with mother as long as mother abides with court orders, makes the children available for home calls, ensures that they receive dental and medical care as recommended by medical professionals, and follows up with A.M.'s doctor appointments and gives medications as prescribed by doctors. It further recommended that mother complete individual counseling, enroll and participate in parenting classes, participate in random, on-demand drug testing, and participate in a substance abuse treatment program. The Department recommended that L.H. receive enhancement services and that he be ordered to participate in individual counseling to address past sexual abuse issues and case related issues, participate in random, on-demand drug testing, and participate in a substance abuse treatment program. The Department recommended that W.M. receive no enhancement services.

## **5. Jurisdiction and Disposition Hearing**

The combined jurisdiction and disposition hearing was held in September 2022. Fathers W.M. and L.H. did not attend.

Counsel for the minors argued that all counts other than count j-1 should be sustained. Counsel for the Department joined in these arguments. Counsel for mother asked the court "to dismiss the petition against my client" and argued that counts b-1 through b-3 were not supported by the evidence. Counsel for

mother did not address counts b-4, b-5, and b-6 or raise arguments with respect to fathers W.M. and L.H.

The court dismissed count j-1 but sustained counts b-2, b-3, b-5 and b-6 and counts b-1 and b-4 as amended. The court corrected the spelling of W.M.'s and A.M.'s names in count b-1 and amended count b-4 to delete the allegation that W.M. is a current abuser of illicit drugs because no evidence was presented that W.M. was currently using. The court declared the children to be dependents of the court under section 300, subdivision (b). The court ordered that mother would retain physical custody of the children and that the children should be detained from fathers W.M. and L.H.

## **DISCUSSION**

Mother contends that there was no substantial evidence to sustain counts b-1 and b-2 against her and no substantial evidence to sustain counts b-1, b-4, and b-5 against W.M. and count b-6 against L.H. The Department argues that the appeal is non-justiciable because mother does not challenge count b-3, which pertained to father L.H.'s use of marijuana and mother's failure to protect the children with regards to his use of drugs. The Department therefore contends that jurisdiction will remain over the children even if mother were successful with respect to the remainder of her appeal. The Department further asserts that mother lacks standing to challenge the allegations concerning the fathers and, even if she did not, mother waived any challenge to those allegations by not raising them below. Finally, the Department contends that substantial evidence supports the court's jurisdictional findings with respect to both mother and fathers W.M. and L.H.

**1. Mother’s jurisdictional contentions are non-justiciable.**

We agree with the Department that mother’s jurisdictional challenge is not justiciable because mother’s opening brief does not challenge the court’s findings with respect to count b-3, which alleged that L.H. abused marijuana and mother knew or reasonably should have known of L.H.’s substance abuse but failed to protect the children. Mother also fails to address the court’s findings with respect to count b-3 in her reply brief.

“ ‘When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s jurisdiction, a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ ” (*In re I.J.* (2013) 56 Cal.4th 766, 773; accord, *In re M.R.* (2017) 7 Cal.App.5th 886, 896 [“ ‘[a]s long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate’ ”]; *In re Briana V.* (2015) 236 Cal.App.4th 297, 309 [“[W]e need not address jurisdictional findings involving one parent where there are unchallenged findings involving the other parent.”].) An appeal is not justiciable where “no effective relief could be granted . . . , as jurisdiction would be established regardless of the appellate court’s conclusions with respect to any such [challenged] jurisdictional grounds.” (*In re Madison S.* (2017) 15 Cal.App.5th 308, 329; accord, *In re I.A.* (2011) 201 Cal.App.4th 1484, 1490 [“An important requirement for justiciability is the availability of ‘effective’ relief—that is, the

prospect of a remedy that can have a practical, tangible impact on the parties' conduct or legal status."].)

To the extent mother argues that her appeal of the judgment encompasses all findings and thus her challenge to the court's finding with respect to count b-3 is not waived, we disagree. "Issues do not have a life of their own: if they are not raised . . . we consider the issues waived." (*Jones v. Superior Court* (1994) 26 Cal.App.4th 92, 99.) Failure to address the issue in the opening brief constitutes a waiver of the issue. (*Moore v. Shaw* (2004) 116 Cal.App.4th 182, 200, fn. 10.) Thus, no matter how we resolve mother's challenge to the remaining jurisdictional findings, the children will remain within the juvenile court's jurisdiction and mother will remain subject to the court's family preservation orders.

We recognize that "courts may exercise their 'inherent discretion' to reach the merits of the dispute" where "the challenged jurisdictional finding 'could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings,' or ' "could have other consequences for [the appellant], beyond jurisdiction." ' [Citations.]" (*In re D.P.* (2023) 14 Cal.5th 266, 282, 285.) However, mother does not contend that the findings could be prejudicial or have other consequences. Accordingly, we decline to exercise our discretion to consider mother's challenge to the jurisdiction order.<sup>4</sup>

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<sup>4</sup> Even if we were to reach the merits of mother's appeal with respect to the allegations against her, we would conclude that substantial evidence supports the court's jurisdictional findings with respect to count b-1 and would decline to address the evidentiary support for count b-2. A.M.'s doctor informed mother of the importance of providing A.M. his medication daily and mother failed to consult a medical professional before disregarding that guidance. The purpose of

**2. Mother forfeited her challenge to the jurisdictional findings concerning fathers W.M. and L.H.**

The Department also contends that mother forfeited her challenge to the jurisdictional findings concerning fathers W.M. and L.H. by failing to raise any objection below. We agree.<sup>5</sup>

“[A] reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been but was not made in the trial court. [Citation.] The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected. [Citation.]’ [Citation.] In addition, ‘[g]eneral objections are insufficient to preserve issues for review. [Citation.] The objection must state the ground or grounds upon which the objection is based. [Citation.]’ [Citation.]” (*In re Daniel B.* (2014) 231 Cal.App.4th 663, 672.)

Mother contends that she argued for dismissal below and that this was sufficient to preserve her challenge to the findings concerning the fathers for appeal. However, mother’s counsel

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the aspirin was to prevent blood clots and strokes. Thus, as mother concedes, her failure to administer aspirin as prescribed created a risk of harm to A.M. Although mother expressed remorse, she also stated that A.M.’s stroke “‘was probably due to his heart defect and it does not have anything to do with aspirin.’” Mother’s decision to stop giving A.M. aspirin daily because “‘[a] lot of time he did not want to take it and [she] felt he did not need it’” and her insistence that the failure to administer aspirin played no part in A.M.’s stroke raise legitimate concerns that mother may fail to comply with medical instructions again absent court supervision.

<sup>5</sup> We need not decide whether mother has shown the requisite injury to confer standing to challenge the jurisdictional findings as to the fathers because we conclude that mother has forfeited her challenge those findings.

asked the court “to dismiss the petition *against my client*” (italics added) and limited her arguments to the counts concerning mother (counts b-1 through b-3). Even if mother had argued for dismissal more broadly, her failure to state the specific grounds on which she was objecting to the allegations underlying counts b-4 through b-6 forfeits her challenge. Contrary to mother’s suggestion, the mere fact that her appeal of the order encompasses the findings the court made in support of the order does not mean that mother preserved objections to every finding for appeal.

“[T]he appellate court’s discretion to excuse forfeiture should be exercised rarely and only in cases presenting an important legal issue. [Citations.] Although an appellate court’s discretion to consider forfeited claims extends to dependency cases [citations], the discretion must be exercised with special care in such matters.” (*In re S.B.* (2004) 32 Cal.4th 1287, 1293.) Mother does not argue that this case presents important legal issues, nor does the question of whether there was substantial evidence to support the allegations in counts b-4 through b-6 raise such issues in our view.<sup>6</sup>

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<sup>6</sup> Even if mother had not forfeited her challenge to the court’s jurisdictional findings as to the fathers, we would conclude that they were supported by substantial evidence. Mother does not dispute that W.M. has untreated mental health issues and had substance abuse issues in the past or challenge the finding that L.H. was a sexual abuse perpetrator. She instead contends there was no risk of harm because the fathers did not seek custody or visitation. However, substantial evidence supports that the fathers remained in contact with the children. W.M. stated that he saw Ani.M. and A.M. “as much as he [could].” Ani.M. confirmed that she “sometimes” saw W.M. and that he had recently congratulated her in person for her graduation from eighth grade. Although mother did not plan to remain in a relationship

## **DISPOSITION**

The court's jurisdictional findings and order are affirmed.

## **NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

LAVIN, J.

WE CONCUR:

EDMON, P. J.

EGERTON, J.

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with L.H., he was a primary caregiver for the children and actively involved in their lives. L.H. also continued to receive mail at the address where mother and the children lived.